

Notice of Allowability

Application No.

09/631,412

Examiner

Callie E. Shosho

Applicant(s)

KING ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 5/12/04 and telephonic interview conducted 5/21/04.
2. ☒ The allowed claim(s) is/are 17-30.
3. ☒ The drawings filed on 05 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/21/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Callie E. Shosho
Primary Examiner
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Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) Cancel claims 1-16.

(2) Claim 23, line 3, after "papers," delete "and" and insert "or".

(3) Claim 26, line 2, after "particles" and before "low", delete "comprises" and insert "comprise".

(4) Claim 27, line 2, after "particles" and before "low", delete "comprises" and insert "comprise".

(5) Claim 29, line 2, after "wherein" and before "inks", delete "the".

(6) Claim 29, line 3 after "the" and before "consisting" delete "groups" and insert "group".

2. Authorization for this examiner's amendment was given in a telephone interview with Dara Onofrio on 5/21/04.

Statement of Reasons for Allowance

3. The present claims are allowable over the “closest” prior art Ichinose et al. (U.S. 6,550,909) for the following reasons:

Ichinose et al. disclose ink jet printing method comprising (i) printing onto a recording medium which comprises substrate coated with ink receiving layer, i.e. referred to as porous layer including inorganic pigment, and upper layer, i.e. referred to as porous layer including polymer particles, which comprises binder and polymeric particles such as polyethylene which have film forming temperature of 40-150 °C and (ii) heating the printed image to form protective coating. However, there is no disclosure in Ichinose et al. that the printed image is substantially retained within the upper layer as required in all the present claims. Ichinose et al. disclose that the pigment, i.e. printed image, is adsorbed into the upper layer while the present claims require that the printed image is substantially retained in the upper layer. As set forth in the declaration filed 6/6/03, “substantially retained in the upper protective layer” refers to ink that is completely absorbed in the surface of the material but is kept as close to the surface of the material as possible. Thus, as noted on pages 6-7 of the amendment filed 5/12/04, while Ichinose et al. disclose that the pigment is adsorbed and arranged in the vicinity of the surface (see col.6, lines 6-8 of Ichinose et al.) of the upper layer, this is in direct contrast to the present claims that require that the pigment is absorbed and is substantially retained within the upper protective layer.

Thus, it is clear that Ichinose et al. neither disclose nor suggest the present invention.

Further, applicants’ amendment filed 5/12/04 overcomes the objection of record.

In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
5/21/04